

Application Serial No. 10/675,421  
Amendment dated May23, 2005  
Reply to Office Action dated February 23, 2005

### **REMARKS**

Claims 1-24 are pending. Claims 1-24 are rejected<sup>1</sup>. In this Amendment, claims 1, 2, 15, 16, and 24 are amended. In view of the amendments and the discussion below, Applicant believes that this application is now in condition for allowance.

#### **Claim Rejections 35 U.S.C. § 102**

The Examiner has rejected claims 1, 3-5, 8, 9, and 11-14 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,709,755 (Wochner). In response, Applicant has presently amended claim 1. In view of the present amendment, Applicant submits that presently amended claim 1 is novel over Wochner, and requests a withdrawal of the rejection of claims 1, 3-5, 8, 9, and 11-14 under 35 U.S.C. § 102(b).

In particular, Applicant has amended claim 1 to recite that the system for applying labels to articles includes a plurality of decorating stations, each having a transfer roll, and "each of said transfer rolls associated with an independent web including labels." Support for this amendment may be found at least in the figures, and particularly, Figs. 1 and 2, and also at page 8, lines 1-5.

Applicant respectfully submits that Wochner does not disclose a decorating system including a plurality of decorating stations, wherein each transfer roll associated with the decorating stations is associated with an independent web including

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<sup>1</sup> The Office Action dated February 23, 2005 states on page 1 that claims 1-30 are pending in the application and claims 1-30 are rejected. However, Applicant believes this is a mistake on the part of the Examiner in that only 24 claims were filed in the application, only claims 1-24 have ever appeared in the application, and in the substantive comments of the Office Action, the Examiner only discusses claims 1-24.

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labels. As can be seen from Wochner, and particularly Fig. 1 thereof, Wochner includes two turrets (10, 11) associated with a labeling station (20). However, as can be seen from Fig. 1 and the disclosure at column 2, lines 14-23, the apparatus of Wochner includes only a single web including labels, and that single web is associated with both turrets and both labeling stations. Wochner does not disclose an independent web for each of those labeling stations. Since Wochner does not disclose a decorating system including a plurality of decorating stations, each associated with an independent web including labels, Applicant respectfully submits that Wochner does not thus teach each and every limitation of claim 1 as presently amended. Thus, claim 1 is not anticipated. Since claim 1 is not anticipated, Applicant further submits that claims 3-5, 8, 9, and 11-14, which each ultimately depends from claim 1, are also not anticipated by Wochner. Applicant therefore respectfully requests a withdrawal of the rejection of claims 1, 3-5, 8, 9, and 11-14 under 35 U.S.C. § 102(b) over Wochner.

The Examiner has further rejected claims 1, 2, 5-7, 10, and 15-24 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,709,770 (Asghar). In view of certain limitations recited in presently amended independent claims 1, 15, 16, and 24, Applicant respectfully disagrees with the rejection of claims 1, 2, 5-7, 10, and 15-24 over Asghar.

Regarding independent claims 1, 15, 16, and 24, each of those independent claims recites "an article conveyor defining a labeling path for transporting articles to be labeled between a first location and a second location, said article conveyor and said labeling path having a moving period and a stopping period for

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imparting intermittent motion to said articles to be labeled." As described in the application, and particularly in the background section thereof, there are two general types of systems for applying labels: (1) continuous motion systems, and (2) intermittent motion systems. A continuous motion system is one wherein the article being labeled does not stop its movement along the labeling path as the label, or other decoration, is being applied. By contrast, in the intermittent motion systems, the article conveyor, and thus the labeling path, periodically comes to a stop, thereby stopping the article proximate to the decorating station while the label, or other decoration, is being applied.

However, the Examiner points to column 3, lines 45-50 and Figs. 4 and 5 of Asghar as including a nozzle adapted for pivotal movement for tipping the article being labeled, and states that this pivotal movement is an "intermittent motion" being applied to the articles. However, Applicant submits that this is not intermittent motion wherein "said article conveyor and said labeling path [have] a moving period and a stopping period for imparting intermittent motion" as recited in presently amended claims 1, 15, 16, and 24. Further, the apparatus that conveys the articles along the labeling path in Asghar is described throughout the specification, and at least at column 2, line 54, as "a continuously rotating turret." Thus, as the articles move along the labeling path past the decorating stations as shown in Figures 4 and 5, the article conveyor, and thus the labeling path, continues to move, and thus does not include such intermittent motion. In fact, Asghar is the very example of a continuous motion

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machine, which the present application describes in the background section, and which the present invention is designed to overcome.

Since the Asghar patent does not disclose an article conveyor and labeling path imparting intermittent motion as presently claimed, Applicant submits that it does not anticipate independent claims 1, 15, 16, and 24, as presently amended. It thus also cannot anticipate claims 2, 5-7, and 10 (depending from claim 1), or claims 17-23 (depending from claim 16). Applicant therefore respectfully requests a withdrawal of the rejection of claims 1, 2, 5-7, 10, and 15-24 under 35 U.S.C. § 102(b) over Asghar.

#### **Conclusion**

For the foregoing reasons, Applicant submits that all claims are patentable and a Notice of Allowance is respectfully requested.

No fee is believed due. If, however, any additional fee or surcharges are deemed due, please charge same or credit any overpayment to Deposit Account No. 23-3000.

The Examiner is invited to contact the undersigned attorney with any questions or remaining issues.

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Respectfully submitted,

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